

Issued May 17, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 1392.

(Given pursuant to section 4 of the Food and Drugs Act.)

### ALLEGED MISBRANDING OF CLARENDON NATURAL MINERAL SPRING WATER.

On March 3, 1911, the United States Attorney for the District of Vermont, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Robert Murray, transacting business under the firm name and style of the Clarendon Mineral Spring Co., West Rutland, Vt., alleging shipment by him, in violation of the Food and Drugs Act, on or about March 9, 1910, from the State of Vermont into the State of New York of a quantity of mineral water which was alleged to be misbranded. The product was labeled: "Clarendon Natural Mineral Spring Water. Clarendon Mineral Spring Co., Clarendon Springs, Vt. A most wonderful water. Noticeably and quickly diuretic. A preventive of and cure for affections of the Nervous System. Rheumatic and Gouty tendencies, disease arising from the Digestive Tract, all Kidney and Liver Complaints, Obesity, Cutaneous diseases, and has no equal as a neutralizing beverage in fevers.

. . . ."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

<i>Ions.</i>	Parts per million.
Phosphoric acid ( $\text{PO}_4$ )	None.
Metaboric acid ( $\text{BO}_2$ )	None.
Arsenic acid ( $\text{AsO}_4$ )	None.
Silica ( $\text{SiO}_2$ )	18.2
Sulphuric acid ( $\text{SO}_4$ )	7.0

	Parts per million.
Carbonic acid ( $\text{CO}_2$ )	0.0
Bicarbonic acid ( $\text{HCO}_3$ )	273.0
Nitric acid ( $\text{NO}_3$ )	0.9
Nitrous acid ( $\text{NO}_2$ )	0.3
Chlorin (Cl)	0.9
Bromin (Br)	None.
Iodin (I)	None.
Iron and aluminum (Fe and Al)	0.1
Manganese (Mn)	None.
Calcium (Ca)	52.9
Magnesium (Mg)	23.2
Potassium (K)	0.8
Sodium (Na)	2.6
Lithium (Li)	( <sup>1</sup> )
Oxygen (calculated) (O)	0.1

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 380.0

*Hypothetical combination.*

Lithium chlorid ( $\text{LiCl}$ )	Spectroscopic traces.
Potassium chlorid ( $\text{KCl}$ )	1.5
Sodium nitrate ( $\text{NaNO}_3$ )	1.2
Sodium nitrite ( $\text{NaNO}_2$ )	0.4
Sodium chlorid ( $\text{NaCl}$ )	0.3
Sodium sulphate ( $\text{Na}_2\text{SO}_4$ )	6.2
Magnesium sulphate ( $\text{MgSO}_4$ )	3.5
Magnesium bicarbonate ( $\text{Mg}(\text{HCO}_3)_2$ )	135.1
Calcium bicarbonate ( $\text{Ca}(\text{HCO}_3)_2$ )	213.4
Iron oxid ( $\text{Fe}_2\text{O}_3$ )	0.2
Silica ( $\text{SiO}_2$ )	18.2

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 380.0

**Bacteriological:**

Gas formation in 0.1 cc in 2 out of 12 samples.

Gas formation in 0.01 cc in 1 out of 12 samples.

No gas formation in 0.001 cc.

Colon not isolated.

Bacterial count high.

Misbranding was alleged in the information for reasons stated as follows: "The said water was labeled and branded, 'Clarendon Natural Mineral Spring Water, Clarendon Mineral Spring Company, Clarendon Springs, Vt. A most wonderful water. Noticeably and quickly diuretic. A preventive of and cure for affections of the Nervous System. Rheumatic and Gouty tendencies, diseases arising from the Digestive Tract, all Kidney and Liver Complaints, Obesity, Cutaneous diseases, and has no equal as a neutralizing beverage in fevers,' whereas in truth and in fact, said water is a very common limestone water, with a composition similar to any ordinary lime-

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<sup>1</sup> No weighable amounts; spectroscopic trace.

stone water, and said water is misbranded in this, that whereas said water is labeled and branded, 'Noticeably and quickly diuretic,' it did not and does not have that therapeutic effect any more than any ordinary drinking water; and it is misbranded in this, that the same is branded and labeled as a 'preventive and cure for affections of the Nervous System, rheumatic and gouty tendencies, diseases arising from the Digestive Tract, and all kidney and liver complaints, obesity, cutaneous diseases, and has no equal as a neutralizing beverage in fevers,' all of which statements are false and misleading, and in truth and in fact said water is not a preventive and cure for affections of the nervous system, and is not a preventive and cure for rheumatic and gouty tendencies, and is not a preventive and cure of diseases arising from the digestive tract, and is not a preventive and cure of all kidney and liver complaints, and is not a preventive and cure for obesity, nor for cutaneous diseases, and because in truth and in fact it is not true that said water has no equal as a neutralizing beverage in fevers, and in truth and in fact, the said water is no more of a neutralizing beverage than any ordinary limestone water."

On November 13, 1911, the defendant filed a demurrer to the information on the ground of its insufficiency in law, and on November 21, 1911, the case coming on to be heard on demurrer, the court, after hearing arguments of counsel, entered an order on that day, sustaining the demurrer and ordered that the case be dismissed.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 5, 1912.*